

Plaintiff Jim Cook Was Properly Paid for Week of 1/22/06

Mon	Tue	Wed	Thur	Fri	Sat	Sun
13	11	0	0	0	2	2.25

- Cook worked on 2 regularly-scheduled days.
- Callaway deducted 1/5 of his salary for each full day absence on a weekday.
- Cook's regular weekly salary of \$1,600 was pro-rated to equal \$320 per regularly-scheduled day.
- Cook was paid 2/5 of his weekly salary (\$640) for the 2 regularly-scheduled days worked.
- He also received \$490 for 12.25 bonus hours.

$$\text{\$640 (1/5 of regular salary) + \$490 (bonus) = \$1130}$$

**Plaintiff Carl Goodwin Was Properly Paid for Week of
11/28/04**

Mon	Tue	Wed	Thur	Fri	Sat	Sun
0	0	0	0	0	0	7

- Goodwin worked on 0 regularly-scheduled days.
- Callaway deducted 1/5 of his salary for each full day absence on a weekday.
- Callaway was not required to pay Goodwin for the workweek because he did not perform any work during his regularly-scheduled days.
- Goodwin received \$385 for work performed on Sunday.

Plaintiff Tim Hord Was Properly Paid for Week of 8/28/05

Mon	Tue	Wed	Thur	Fri	Sat	Sun
0	0	0	0	0	4.5	5

- Hord worked on 0 regularly-scheduled days.
- Callaway deducted 1/5 of his salary for each full day absence on a weekday.
- Callaway was not required to pay Hord for the workweek because he did not perform any work during his regularly-scheduled days.
- Hord received \$380 for the work he performed on Saturday and Sunday.

Plaintiff Fatima McCullough Was Properly Paid for Week of 9/4/05

Mon	Tue	Wed	Thur	Fri	Sat	Sun
9.5	10.75	3	0	2	2	4

- McCullough worked on 4 regularly-scheduled days.
- Callaway deducted 1/5 of her salary for each full day absence on a weekday.
- McCullough's regular weekly salary of \$1,600 was pro-rated to equal \$320 per regularly-scheduled day.
- McCullough was paid 4/5 of her weekly salary (\$1280) for the 4 regularly-scheduled days worked.

Plaintiff Pamela O. Nunez Was Properly Paid for Week of
1/2/05

Mon	Tue	Wed	Thur	Fri	Sat	Sun
0	0	8(<i>pto</i>)	8(<i>pto</i>)	8(<i>pto</i>)	0	3

- Nunez worked on 0 regularly-scheduled days. She took 3 days of PTO.
- Callaway deducted 1/5 of her salary for each full day absence on a weekday.
- Callaway paid Nunez \$960 for the 3 days of PTO.
- Nunez received \$120 for 3 bonus hours.

$$\$960(PTO) + \$120(bonus) = \$1080$$

Plaintiff Andrea Philpotts Was Properly Paid for Week of 1/15/06

Mon	Tue	Wed	Thur	Fri	Sat	Sun
7.75	11	0	0	3.5	4	3.75

- Philpotts worked on 3 regularly-scheduled days.
 - Callaway deducted 1/5 of her salary for each full day absence on a weekday.
 - Philpotts' regular weekly salary of \$1,600 was pro-rated to equal \$320 per regularly-scheduled day.
 - Philpotts was paid 3/5 of her weekly salary (\$960) for the 3 regularly-scheduled days worked.
 - She also received \$240 for 6 bonus hours.
- $\$960$ (3/5 of regular salary) + $\$240$ (bonus) = $\$1200$

**Plaintiff Louis Smeraglia Was Properly Paid for Week of
8/14/05**

Mon	Tue	Wed	Thur	Fri	Sat	Sun
0	0	0	9	5.5	1.5	0

- Smeraglia worked on 2 regularly-scheduled days.
- Callaway deducted 1/5 of his salary for each full day absence on a weekday.
- Smeraglia's regular weekly salary of \$1,600 was pro-rated to equal \$320 per regularly-scheduled day.
- Smeraglia was paid 2/5 of his weekly salary (\$640) for the 2 regularly-scheduled days worked.

Plaintiff Louis Smeraglia Was Properly Paid for Week of 5/14/06

Mon	Tue	Wed	Thur	Fri	Sat	Sun
10.75	7.75	10	5.25	0	0	1

- Smeraglia worked on 4 regularly-scheduled days.
 - Callaway deducted 1/5 of his salary for each full day absence on a weekday.
 - Smeraglia's regular weekly salary of \$1,600 was pro-rated to equal \$320 per regularly-scheduled day.
 - Smeraglia was paid 4/5 of his weekly salary (\$1280) for the 4 regularly-scheduled days worked.
 - He also received \$110 for 2.75 bonus hours.
- \$1280 (4/5 of regular salary) + \$110 (bonus) = \$1390*

Plaintiff Louis Smeraglia Was Properly Paid for Week of 6/11/06

Mon	Tue	Wed	Thur	Fri	Sat	Sun
0	9.25	8.25	9.5	5.5	2.75	0

- Smeraglia worked on 4 regularly-scheduled days.
 - Callaway deducted 1/5 of his salary for each full day absence on a weekday.
 - Smeraglia's regular weekly salary of \$1,600 was pro-rated to equal \$320 per regularly-scheduled day.
 - Smeraglia was paid 4/5 of his weekly salary (\$1280) for the 4 regularly-scheduled days worked.
 - He also received \$130 for 3.25 bonus hours.
- $\$1280 \text{ (4/5 of regular salary)} + \$130 \text{ (bonus)} = \$1420$

Callaway Reimbursed Employee Instead of Researching

#	Name	Number Weeks Worked	Week(s) in Dispute	Amount Paid*
1	Angela Beavers	42	3/20/05	\$140
2	Michael Kalmerton	110	5/7/06 & 5/14/06	\$1,878.75
			8/28/05 & 9/18/05	Accepted payment in exchange for release under DOL supervision
3	Julie McMillan	94	6/4/06	\$180
4	Michael Moss	110	9/17/06	\$50
5	Pamela O. Nunez**	100	2/12/06	\$160
6	Elaine Shelton	104	2/27/05	Accepted payment in exchange for release under DOL supervision
7	Gideon Sipin	137	8/13/06	\$25
8	Louis Smeraglia**	121	8/6/06	\$11.25
9	Toleda White	125	7/23/06	\$270
10	Lillian O. Yeager	97	7/9/06	\$40

* Documents evidencing check payments to these Plaintiffs are found in Exhibit I to Erickson's Declaration. Documents evidencing DOL-supervised releases are found in Exhibit H to Erickson's Declaration.

**Salary was properly paid for other identified weeks by Callaway as previously discussed

29 C.F.R. 541.603(e)

This Section shall not be construed in an unduly technical manner so as to defeat the exemption.